

Service Date: June 26, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of Town of Terry, Montana, ) TRANSPORTATION DIVISION  
Application for a class D Montana Intrastate Certificate ) DOCKET T-00.25.PCN  
of Public Convenience and Necessity. ) ORDER NO. 6484

FINAL ORDER

Background

1. On March 4, 2000, the Public Service Commission (Commission) received an application from Town of Terry (Applicant) for a Certificate of Public Convenience and Necessity, Class D, authorizing the transportation of garbage between points and places within five (5) air miles on both sides of Interstate 94, beginning at the end of the frontage road in Custer County, approximately twenty-six (26) miles west of Terry, Prairie County, Montana, continuing through Prairie County and ending at Interchange No. 198 southwest of Glendive, Dawson County, Montana. The applicant would also be allowed to transport authorized commodities to certified landfills from the territory authorized. A limitation was proposed by the applicant -- service north of the Yellowstone River prohibited until the interstate highway crosses the Yellowstone River just north of Fallon, Prairie County, Montana.

2. Protests to the application were received from: BFI Waste Systems of North America, Inc., Missoula, Montana; E & A Garbage Service, Inc., Savage, Montana; John Isaacs, dba Isaacs Sani-Serv, Circle, Montana; and Mitchell Beach as an individual from Miles City, Montana.

3. Following protests the applicant amended its application to read Class D, garbage between all points and places within five (5) air miles on both sides of Interstate 94, beginning at the Custer County / Prairie County line on the frontage road approximately fifteen (15) miles west of Terry, Prairie County, Montana, continuing through Prairie County and ending at the Prairie County / Dawson County line, approximately 17 miles northeast of Terry, Prairie County

Montana. The applicant would still be allowed to transport authorized commodities to certified

landfills from territory authorized. Service north of the Yellowstone River would be prohibited until the interstate highway crosses the Yellowstone River just north of Fallon, Prairie County, Montana .

4. Based on the amended wording in the proposed application all protests were withdrawn.

#### Discussion and Conclusions of Law

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and matters in this proceeding pursuant to Title 69, Ch. 12, MCA.

2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter pursuant to the Montana Administrative Procedures Act (MAPA) requirements for contested case procedures. §§ 2-4-601, et seq., MCA.

3. All protests to this docket were withdrawn based on the amendment filed by the Town of Terry.

#### Order

IT IS HEREBY ORDERED that the application of Town of Terry, Terry Montana , for a Class D Certificate of Public Convenience and Necessity is granted as follows:

Class D -Garbage between all points and places within five (5) air miles on both sides of Interstate 94, beginning at the Custer County/Prairie County line on the frontage road approximately fifteen (15) miles west of Terry, Prairie County, Montana, continuing through Prairie County and ending at the Prairie County/Dawson County line approximately 17 miles northeast of Terry, Prairie County, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. LIMITATION: Service north of the Yellowstone River is prohibited until the interstate highway crosses the Yellowstone River just north of Fallon, Prairie County, Montana

DONE AND DATED this 26th day of June, 2000, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chair

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM